

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SYNOPSYS, INC.,
a Delaware Corporation,

Plaintiff and
Counter-Defendant,

C.A. No. 05-701 GMS

v.

MAGMA DESIGN AUTOMATION, INC., a
Delaware Corporation

Defendant and
Counterclaimant.

DECLARATION OF MARC D. PETERS

I, MARC D. PETERS, declare:

1. I am an attorney with the law firm of Pooley & Oliver LLP, 5 Palo Alto Square, 7th Floor, Palo Alto, California, 94306, counsel to Magma Design Automation, Inc. ("Magma") in this action.

2. I have personal knowledge of the facts set forth in this Declaration and, if called upon as a witness, could competently testify to the truth of each statement herein.

3. In order to not overburden the Court, Magma is not submitting the prosecution file histories of Synopsys's U.S. Patent Nos. 6,434,733 ("the '733 Patent"), U.S. Patent No. 6,766,501 ("the '501 Patent"), and U.S. Patent No. 6,405,355 ("the '355 Patent"). The prosecution file histories of these patents are public and are available at the U.S. Patent and Trademark Office ("USPTO"). I have reviewed these public files and based upon such review, I declare as follows:

- a. The patent application that would later issue as the '733 Patent was filed by Synopsys on March 24, 1999, through its patent prosecution counsel,

Wagner Murabito & Hao, LLP. The application was assigned to patent examiner V. Siek. The patent application was prosecuted by M.D. Matthews on behalf of Synopsys.

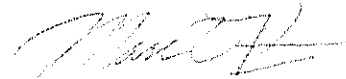
- b. The patent application that would later issue as the '355 Patent was filed by Synopsys on March 31, 1999, through its patent prosecution counsel, Wagner Murabito & Hao, LLP. The application was assigned to a different patent examiner, N. Le, than the '733 patent examiner. The patent application was also prosecuted by M.D. Matthews on behalf of Synopsys.
- c. On April 19, 2001, the '355 examiner, N. Le, rejected all the pending claims in that application and cited to Synopsys a paper presented by Barbagallo et al. at the IEEE VLSI Test Symposium in April 1996 ("the Barbagallo Reference").
- d. When prosecuting the '733 Patent, Synopsys did not inform the '733 examiner, V. Siek, of the existence of the Barbagallo Reference, or of its relevance to the '733 patent claims.
- e. The patent application that would later issue as the '501 Patent was filed by Synopsys on August 12, 2002, through its patent prosecution counsel, Wagner Murabito & Hao, LLP. The patent application was assigned to patent examiner V. Siek, who was also the patent examiner for the '733 patent. The application was submitted by M.D. Matthews, the individual who also prosecuted the '733 Patent and the '355 Patent on behalf of Synopsys.
- f. When prosecuting the '501 Patent, Synopsys did not inform the '501 examiner, V. Siek, of either the existence or the relevance of the Barbagallo Reference that had been cited to Synopsys by N. Le, the examiner for the '355 Patent.

4. Magma has attempted on several occasions to meet and confer with Synopsys's counsel regarding the parties' discovery requests in this action. Those attempts have been unsuccessful, and include the following:

- a. On December 13, 2005 and on December 14, 2005, counsel for Magma requested a meet and confer session with the counsel for Synopsys to discuss discovery requests served by the parties in this present litigation. On December 14, 2005, counsel for Synopsys refused to meet and confer with Magma until Magma withdrew its requests in their entirety and propounded new requests.

- b. On December 15, 2005, counsel for Magma again requested a meet and confer session with the counsel to Synopsys to discuss discovery issues. Counsel for Synopsys again refused to meet and confer until Magma withdrew its discovery requests.
- c. On January 3, 2006, counsel for Magma renewed their request made prior to the Christmas break for a meet and confer session to discuss concerns regarding the discovery requests served in this litigation. Counsel for Synopsys did not respond to this request.
- d. On January 12, 2006, counsel for Magma again requested a meet and confer session to discuss discovery issues. Counsel for Synopsys has not yet responded with a firm time for such a session.

I declare under penalty of perjury that the foregoing is true and correct.



Marc D. Peters

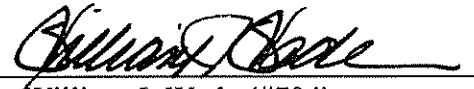
Dated: February 6, 2006

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 6, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and which has also been served as noted:

BY HAND

Karen Jacobs Loudon, Esquire
Morris, Nichols, Arsht & Tunnell
1201 North Market Street
Wilmington, DE 19899


William J. Wade (#704)

DATED: February 6, 2006